

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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MAY 10 2005

Federal Communications Commission  
Office of Secretary

In the Matter of

Amendment of Section 73.202(b) )  
Table of Allotments ) MB Docket No. 05-67  
FM Broadcast Stations ) RM - 11116  
(Fishers, Lawrence, Indianapolis and )  
Clinton, Indiana) )

To: Office of the Secretary  
Attn: Assistant Chief, Audio Division  
Media Bureau

DOCKET FILE COPY ORIGINAL

**REPLY COMMENTS**

Indy Lico, Inc., licensee of Station WISG(FM) Fishers, Indiana, and WFMS Lico, Inc., licensee of Station WFMS(FM) Indianapolis, Indiana (the "Joint Petitioners"), by their counsel, hereby submit their Reply Comments in the above captioned proceeding. *See Notice of Proposed Rule Making* ("NPRM"), DA 05-551, released March 4, 2005. These Reply Comments respond to a filing by Indiana Community Radio Corporation ("ICRC") and a filing by Word Power, Inc. ("Word Power"). In support hereof, Joint Petitioners state as follows:

**I. ICRC's Pleading is Defective and Must be Dismissed.**

1. ICRC is the licensee of Station WJCF(FM), Morristown, Indiana. ICRC is also the permittee of FM translator Station W230AR, New Castle, Indiana, which will rebroadcast Station WJCF(FM). In an undated pleading entitled "Counterproposal-Petition for Rulemaking," ICRC alleges that the Joint Petitioners proposal will cause Station W230AR to cease operation.<sup>1</sup> In order to prevent this, ICRC proposes to move Station W230AR to Channel 248A. However, this proposal is defective for a number of reasons, and therefore, must be dismissed.

<sup>1</sup> FM translators are secondary services and will not be permitted to continue operation if they cause any interference to broadcast stations, which are primary services. *See* 47 C.F.R. § 74.1203(a).

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2. First, ICRC seems to claim that Station W230AR is a Class D station and proposes to change to a Class A station pursuant to Section 73.512 of the Commission's Rules. However, FM translators are not Class D stations and therefore, cannot avail themselves of the Commission's procedures for Class D stations. *See generally*, 47 C.F.R. § 74.1201(a); *Arlington, Oregon, et al.*, 19 FCC Rcd 12803, ¶ 6 (2004), *app. for review pending*. Next, as the attached channel study indicates, ICRC's proposal for Channel 248A at the coordinates specified in its pleading would be impermissibly short-spaced to a number of other stations. *See* Technical Exhibit, Figure 4. While ICRC proposes to utilize the Commission's contour protection rules, the Commission only allots commercial channels based on spacing rule compliance. *See* 47 C.F.R. § 73.207(b). Finally, if ICRC were somehow able to cure all of these defects, the Commission will not reserve a new Class A channel for the exclusive use of ICRC. Such use would amount to a major change which is not provided for in the Commission's Rules. *See* 47 C.F.R. § 74.1233(a)(1). Further, if allotted to Thorntown, Indiana, as ICRC proposes, a new Class A channel would be awarded to the highest bidder pursuant to the Commission's auction procedures.

3. In conclusion, ICRC's pleading contains numerous technical and legal defects, all of which are incurable, and therefore, it must be dismissed.

## **II. Word Power's Comments and Counterproposal Do Not Detract from the Merits of the Petition.**

4. In its Petition, Joint Petitioners proposed, *inter alia*, the substitution of Channel 229A for Channel 230A at Clinton, Indiana, and the modification of Station WPFR-FM's license accordingly. On April 25, 2005, Word Power, licensee of Station WPFR-FM, filed its "Response to Order to Show Cause, Comments and Counterproposal (the "Response"). In its Response, Word Power makes three points. First, it states that the channel change proposed by

the Joint Petitioners would cause WPFR-FM to lose listeners in an area outside its 60 dBu contour. Second, it alleges that Lawrence, Indiana is not sufficiently independent of Indianapolis to warrant a first local service preference. Third, it advances a counterproposal that it alleges would better serve the public interest. None of these arguments has merit.

**A. WPFR-FM is Not Entitled to Protection as to Those Listeners Outside its 60 dBu Contour.**

5. WPFR-FM's signal outside its 60 dBu contour is not protected from interference. *See* 47 C.F.R. § 73.209; *Cordele, Georgia, et al.*, 12 FCC Rcd 9777, ¶ 10 (1997). Word Power argues that it would lose existing listeners outside its protected service area. That allegation cannot be determined with certainty until the channel change is made. But, even assuming that existing listeners are lost, the FCC's rules do not protect this service. FM channels are allotted by spacing rules, and claims of actual interference are not cognizable as long as the required spacings are met. *Id.* The Commission has consistently taken this position to further the public interest, and Word Power has cited no cases that hold otherwise. If Word Power were successful in protecting its listeners, *outside its protected contour*, then the Commission would be establishing a dangerous precedent because no stations could change site or increase their coverage area without impacting another station's coverage outside its protected contour. If Word Power wants to change the Commission's protection rules, it should do so in a generic proceeding that will allow all interested parties to comment.

6. Word Power also states that many of the listeners outside WPFR-FM's 60 dBu contour can receive no other NCE station. This assertion, even if true, is also irrelevant. Word Power operates on a commercial channel. Even the Commission's relaxed rules for reservation of commercial channels consider only the NCE service provided within a station's protected 60 dBu contour. *See Reexamination of the Comparative Standards for Noncommercial Educational*

*Applicants*, 18 FCC Rcd 6691, ¶ 34 (2003) (NCE applicant for a commercial channel must provide a first or second NCE service to at least 10 percent of the population *within its 60 dBu service contour*). However, as discussed below, Word Power is not requesting the reservation of the Clinton channel. Further, according to the Technical Exhibit, the area outside of WPFR-FM's 60 dBu contour already has at least five aural services. *See* Figures 2 and 3.

**B. Lawrence is Clearly Independent of Indianapolis Under Well-Developed Commission Case Law.**

7. Word Power's second argument against Joint Petitioners' proposal, that Lawrence is not independent of Indianapolis, is equally unavailing. First, the Joint Petitioners reiterate that both Lawrence and Fishers are located in the Indianapolis Urbanized Area, and the Commission's case law clearly holds that *Tuck* is not applicable. *See Boulder and Lafayette, Colorado*, 11 FCC Rcd 3632 (1996) (granting a proposal to reallocate a channel from one community in an Urbanized Area to another community in same Urbanized Area without a *Tuck* showing); *East Los Angeles, Long Beach and Frazier Park, California*, 10 FCC Rcd 2864 (1995) (stating that the concern with migration to Urbanized Areas does not exist when a proposal involves reallocating a channel from one community in an Urbanized Area to another community in same Urbanized Area). However, even if *Tuck* were applicable, Joint Petitioners submitted convincing evidence in their Petition demonstrating that Lawrence is independent of Indianapolis. Word Power attempts to dispute this showing, but its argument merely recites facts, which when viewed with reference to the Commission's case law clearly demonstrate Lawrence's independence.

8. Word Power disputes almost all of the *Tuck* factors for independence. However, Word Power concedes that (i) 16% of employed individuals in Lawrence, work in Lawrence,<sup>2</sup>

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<sup>2</sup> *See* Response at p. 7.

(ii) two newspapers that cover Lawrence and not Indianapolis,<sup>3</sup> (iii) Lawrence has its own local government and elected officials,<sup>4</sup> (iv) there are local businesses that identify with the community by using "Lawrence" in their name,<sup>5</sup> (v) there is a ZIP code assigned to Lawrence,<sup>6</sup> and (vi) Lawrence has its own police and fire departments.<sup>7</sup> This evidence alone is more than enough to establish that Lawrence is independent of Indianapolis based on the Commission's well developed case law in this area. *See, e.g., Lebanon and Speedway, Indiana*, 17 FCC Rcd 25064 (2002). In *Speedway*, the Commission held that the community of Speedway, Indiana, was independent of Indianapolis. This is particularly telling in comparison to Lawrence, because Speedway's independence indicia are weaker than Lawrence's independence indicia. For example, with a population of 38,915, Lawrence is more than three times the size of Speedway (12,881), and Lawrence is located 13.8 kilometers from Indianapolis, while Speedway is *entirely encompassed* by Indianapolis.

9. With regard to the eight independence factors, Lawrence also compares favorably with Speedway. Like Speedway, Lawrence has its own government and funds its own municipal services through its own taxes. It operates its own police and fire protection services and its own school system independently of Indianapolis. Like Speedway, Lawrence has its own zip code but shares it with portions of Indianapolis. Like Speedway, Lawrence has media outlets that serve the needs of its residents and are not Indianapolis media. Indeed, Lawrence has abundant media outlets for a town its size, including a paper serving Lawrence and several other suburban communities and its own weekly Lawrence Community Journal. Clearly, if Speedway is

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<sup>3</sup> See Response at p. 8.

<sup>4</sup> See Response at p. 9.

<sup>5</sup> See Response at p. 9.

<sup>6</sup> See Response at p. 9.

<sup>7</sup> See Response at p. 10.

independent of Indianapolis, then Lawrence is also independent of Indianapolis.

10. In the light of all of the *Tuck* factors favoring Lawrence's independence, it would not be possible for the Commission to conclude, consistent with its precedent, that Lawrence is dependent upon Indianapolis. Further, Word Power cites no case law demonstrating that the evidence submitted by Joint Petitioners disfavors a finding of independence. As a result, Lawrence is entitled to a first local service preference and the allotment to Lawrence would serve the public interest.

**C. Word Power's Counterproposal is Defective and Should Not Be Accepted.**

11. Word Power's third argument is that the Commission should consider its counterproposal in lieu of Petitioners' proposal. Specifically, Word Power proposes to (i) allot Channel 230A to Lawrence at a new transmitter site and modify the license of Station WISG(FM) accordingly, and (ii) allot Channel 230B1 to Clinton, Indiana, and modify the license of Station WPFR-FM to specify Channel 230B1.<sup>8</sup> This proposal is defective on its face and must be dismissed. See Technical Exhibit, Figure 1. Specifically, Word Power cannot propose an involuntary site change along with a city of license change and a lower channel class than what was proposed for Station WISG(FM) because Word Power is not the licensee of the Station, and the licensee of the Station, Indy Lico, Inc., has not consented to such a site change. See, e.g., *Metropolis, Illinois*, 7 FCC Rcd 6218 (1992); *Greenville, Texas*, 6 FCC Rcd 6019 (1991); *North Charleston, South Carolina*, 51 RR 2d 25 (1982). Again, Word Power cites no case law to support its extraordinary proposal. In addition, in view of the fact that the proposed gain area is already well served with at least five aural services, there is no justification for considering the proposal based on provision of service to unserved or underserved areas. See Figures 2 and 3.

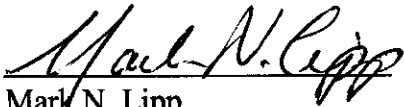
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<sup>8</sup> If the Commission places Word Power's proposal on public notice, Joint Petitioners reserve the right to comment on the merits of the proposal at the comment date.

WHEREFORE, for the foregoing reasons, Indy Lico, Inc. and WFMS Lico, Inc. urge the Commission to dismiss both ICRC's and Word Power's defective counterproposals and promptly grant Joint Petitioners' petition.

Respectfully submitted,

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WFMS LICO, INC.

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Its Counsel

May 10, 2005

**TECHNICAL EXHIBIT IN RESPONSE TO INDIANA COMMUNITY  
RADIO CORPORATION'S COUNTERPROPOSAL**



CDBS FM SEPARATION STUDY

Job Title: Proposed Ch. 248A, Thorntown, Indiana  
 Channel: 248 A

Separation Buffer: 32 km  
 Coordinates: 400700 862204

Call	City	File	Channel	ERP	DA	Latitude	73	Bear	Dist.	Req. (km)
WLHK	SHELBYVILLE	BLH	246 B	23.000	N	39-40-06	N	149.8	57.60	63.0 69.0
19522	IN LIC C	19991028ADZ	97.1	223		086-01-44			-11.40	<b>Short</b>
WTGR	UNION CITY	BLH	248 A	6.000	Y	40-11-32	Y	85.9	133.89	92.0 115.0
15169	OH LIC C	19941118KA	97.5	99	14367	084-47-58			18.89	Clear
WHMS-FMCHAMPAIGN		BLH	248 B	50.000	N	40-05-04	N	269.3	160.37	143.0 178.0
14962	IL LIC C	19911022KB	97.5	109		088-14-53			-17.63	<b>Short</b>
WSDM-FMBRAZIL		BMLH	249 A	6.000	N	39-30-43	N	224.6	94.15	49.0 72.0
19670	IN LIC C	19960207KD	97.7	91		087-08-19			22.15	Clear
WGNR-FMANDERSON		BMLD	250 B	50.000	N	40-03-43	N	96.0	56.47	63.0 69.0
2215	IN LIC C	20030908ADX	97.9	149		085-42-34			-12.53	<b>Short</b>

**TECHNICAL EXHIBIT IN RESPONSE TO WORD POWER INC.'S  
COUNTERPROPOSAL**

TECHNICAL EXHIBIT  
IN SUPPORT OF REPLY COMMENTS  
IN THE NOTICE OF PROPOSED RULE MAKING AND  
ORDER TO SHOW CAUSE IN  
MB DOCKET NO. 05-67  
AMENDMENT OF SECTION 73.202(b), TABLE OF FM ALLOTMENTS  
FISHERS, LAWRENCE, INDIANAPOLIS AND CLINTON, INDIANA

Technical Narrative

This technical exhibit has been prepared on behalf of Indy Lico, Inc., licensee of FM station WISG at Fishers, Indiana, and by WFMS Lico, Inc., licensee of Station WFMS at Indianapolis, Indiana ("Petitioners") in support of reply comments (herein "Reply Comments") in the Notice of Proposed Rule Making and Order to Show Cause in MB Docket No. 05-67 ("NPRM"). The NPRM proposed (a) the upgrade from channel 230A to channel 230B1 at Fishers, the reallocation of channel 230B1 from Fishers to Lawrence, Indiana and the modification of WISG's license accordingly; (b) the reallocation of channel 238B from Indianapolis to Fishers, Indiana and the modification of WFMS's license accordingly; and (c) the substitution of channel 229A for channel 230A at Clinton, Indiana, and the modification of WPFR-FM's license accordingly.

Two parties filed comments and counterproposals in the NPRM, namely, Word Power, Inc., licensee of WPFR-FM on channel 229A at Clinton, Indiana ("WPFR") and Indiana Community Radio Corporation, permittee of FM translator station W230AR on channel 230 at New Castle, Indiana ("W230AR"). The purpose of this technical exhibit is to address the Counter Petitioners.

WPFR Comments and Counterproposal

The WPFR counterproposal alleges that the Petitioners proposal to upgrade WISG to channel 230B1 at Lawrence will cause interference to areas located outside WPFR's channel 229A protected contour due to WISG's hybrid in-band, on-channel ("IBOC") operation on channel 230B1. In addition, the WPFR counterproposal proposes to upgrade WPFR to channel 230B1 at Clinton, Indiana. In order to accommodate the

WPFR channel 230B1 upgrade, WPFR also proposes to relocate the transmitter site of WISG on channel 230A. Station WPFR further alleges that its counterproposal will create first and second noncommercial educational FM (NCE-FM) service.

*Hybrid IBOC Interference*

WPFR's allegations of hybrid IBOC interference to its proposed channel 229A operation includes no technical details. Furthermore, the FCC considered the potential for analog interference when it adopted use of hybrid mode IBOC operations in the Digital Audio Broadcasting Report and Order.<sup>1</sup>

*WPFR Counterproposal*

The WPFR counterproposal proposes to upgrade WPFR to channel 230B1 at Clinton. Figure 1 is a separation study for channel 230B1 from the WPFR reference point. As indicated, there is a 7.83 km short-spacing with WISG's current channel 230A operation at Fishers. Therefore, in order to implement the proposed WPFR channel 230B1 upgrade, WPFR also proposes to relocate the transmitter site of WISG on channel 230A. This proposal is defective on its face as it proposes an involuntary site relocation by WISG.<sup>2</sup>

Station WPFR further alleges that its counterproposal will create first and second NCE-FM service. However, even presuming that the WPFR counterproposal is not defective, the FCC has historically considered both commercial and NCE-FM as well as AM service when evaluating gain/loss areas as part of its standard comparative criteria.<sup>3</sup> As detailed below, based on consideration of both commercial, NCE-

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<sup>1</sup> *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service*, 17 FCC Rcd 19990 (2002).

<sup>2</sup> See footnote 5 of the Report and Order in MM Docket No. 90-20, DA 91-236 (adopted: February 25, 1991; released: March 11, 1991).

<sup>3</sup> See paragraph 7 of the Memorandum Opinion and Order in MM Docket No. 91-180, FCC 95-328 (adopted: July 31, 1995; released: August 29, 1995).

FM and AM services, the entire WPFR gain area would be well served with five (5) or more signals.

Figure 2, attached, is a map showing the FM 1 mV/m primary service contours for WPFR's licensed channel 230A operation and proposed channel 230B1 operation. Maximum facilities for each class and uniform terrain were utilized. The 1 mV/m gain area is also indicated. Also shown are other aural (AM, FM) services available to the 1 mV/m gain areas. Figure 3 tabulates the AM and FM stations whose contours are shown on Figure 2. For FM stations the 1 mV/m contour is depicted, and for Class A AM stations the 0.5 mV/m contour is shown. Call letters identify the AM and FM service contours of stations tabulated on Figure 3. In addition, numbers identify available aural services and, as indicated, the entire gain area receives 5 or more fulltime aural services which is considered to be well-served. It is noted that only those FM and AM services necessary to provide at least 5 fulltime aural services to the gain area have been shown on Figure 2.

W230AR Comments and Counterproposal

Station W230AR is an FM translator station authorized to operate on channel 230 at New Castle, Indiana (BNPFT-20030707AAG). According to the FCC's CDBS, W230AR rebroadcasts WJCF on channel 201 at Morristown, Indiana. W230AR's counterproposal alleges that the WISG proposal will result in cessation of the W230AR operation. As such, W230AR proposes to move to channel 248 at Thorntown, Indiana and operate as a Class A station using the short-spacing provisions of Section 73.215. This proposal is flawed for several reasons.

First of all, W230AR incorrectly indicates that it is a Class D station and bases the proposed move to channel 248A on Section 73.512 which is applicable to Class D stations only. However, W230AR is an FM translator station and the FCC will not permit a displaced FM translator to propose a new, nonadjacent channel as this would be a major change under the

provisions of Section 74.1233(a)(1). Secondly, as indicated on the separation study for channel 248A at Thorntown attached as Figure 4, the allotment reference point set forth by W230AR is involved in short-spacings with three licensed stations, namely, WLHK on channel 246B at Shelbyville, Indiana, WHMS-FM on channel 248B at Champaign, Illinois and WGNR-FM on channel 250B at Anderson, Indiana. The FCC will not create a short-spaced Class A allotment as proposed by W230AR. Finally, the FCC will not reserve a new Class A channel for the exclusive use of W230AR in any event.

Conclusion

With respect to the WPFR comments and counterproposal, the FCC has already considered the potential for analog interference when it adopted use of hybrid mode IBOC operations in the Digital Audio Broadcasting Report and Order. Furthermore, WPFR's proposed channel 230B1 upgrade at Clinton is defective on its face as it proposes an involuntary site relocation by WISG. Finally, W230AR's counterproposal is flawed as it proposes to relocate its FM translator operation to a non-adjacent channel and proposes a short-spaced Class A allotment.



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May 10, 2005

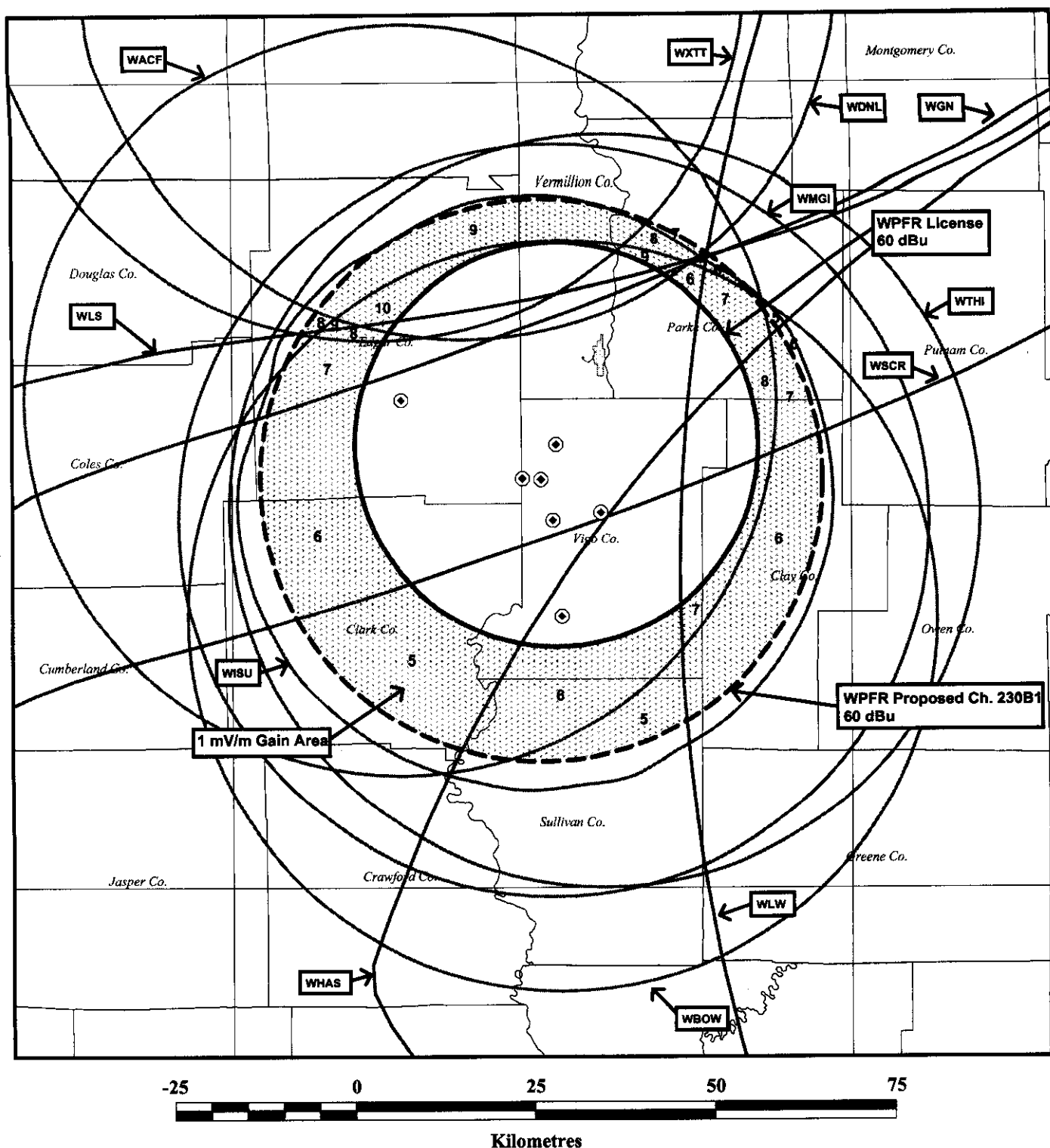
CDBS FM SEPARATION STUDY

Job Title: Proposed WPFR, Ch. 230B1, Clinton, Indiana Separation Buffer: 32 km  
 Channel: 230 B1 Coordinates: 393023 873001

Call Id	City St	File Status Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km) 215 207
WQTY 37737	LINTON IN LIC C	BLH 19910408KB	227 B1 93.3	12.000 145	N	39-00-46 087-22-23	N	168.7	55.89 5.89	44.0 50.0 Close
	CLINTON IN ADD C	RM spm180	229 A 93.7	0.000		39-33-01 087-28-32		23.5	5.32 -90.68	72.0 96.0 Short
WQKC 58380	SEYMOUR IN LIC C	BLH 20040427ABF	229 B 93.7	25.000 213	Y	38-58-22 086-10-03	Y	116.9	129.42 -15.58	114.0 145.0 Short
WPFR-FMCLINTON 73712	IN LIC C	bled 20000605ABI	230 A 93.9	2.350 161	N	39-33-01 087-28-32	N	23.5	5.32 -137.68	119.0 143.0 Short
	CLINTON IN DEL C	RM spm180	230 A 93.9	0.000		39-33-01 087-28-32		23.5	5.32 -137.68	119.0 143.0 Short
	LAWRENCE IN ADD C	RM spm180	230 B1 93.9	0.000		39-43-37 086-03-00		78.4	126.92 -48.08	143.0 175.0 Short
WISG 71438	FISHERS IN LIC C	BLH 20040507AAE	230 A 93.9	2.950 145	N	39-49-39 085-58-51	Y	74.2	135.17 -7.83	119.0 143.0 <b>Short<sup>1</sup></b>
WABZ 9964	SHERMAN IL LIC C	BLH 20041206AAT	230 B1 93.9	15.000 131	N	39-59-25 089-30-46	N	288.0	180.66 5.66	143.0 175.0 Close
	LINCOLN IL DEL C	RM 10126	230 B1 93.9	0.000		39-59-25 089-30-46		288.0	180.66 5.66	143.0 175.0 Close
	SHERMAN IL ADD C	RM 10126	230 B1 93.9	0.000		40-00-09 089-39-35		287.3	193.09 18.09	143.0 175.0 Clear
WKTG 60877	MADISONVILL KY LIC C	BLH 19980629KC	230 C2 93.9	35.000 178	N	37-31-26 087-24-11	Y	177.8	220.23 20.23	175.0 200.0 Clear
WGFA-FMWATSEKA 29203	IL LIC C	BLH 19970711KC	231 B 94.1	50.000 111	N	40-47-37 087-45-17	N	351.5	144.56 -0.44	114.0 145.0 Close
WMIX-FM MOUNT VERNO 73103	IL LIC C	BLH 2581	231 B 94.1	50.000 168	N	38-22-14 088-55-20	N	224.7	176.35 31.35	114.0 145.0 Clear
WREB 54600	GREENCASTLE IN LIC C	BLH 3278	232 A 94.3	3.000 49	N	39-39-38 086-53-34	N	71.6	54.93 6.93	42.0 48.0 Close
WLRW 58542	CHAMPAIGN IL LIC C	BLH 20000830AFP	233 B 94.5	50.000 119	N	40-07-35 088-17-25	N	315.9	96.51 25.51	65.0 71.0 Clear

<sup>1</sup> In order to accommodate the WPFR channel 230B1 upgrade, WPFR proposes the involuntary relocation of the WISG transmitter site which is not permitted by the FCC.

Figure 2



## OTHER AVAILABLE SERVICES

STATION WPFR  
CLINTON, INDIANA  
CHANNEL 230B1

du Treil, Lundin & Rackley, Inc. Sarasota, Florida



TECHNICAL EXHIBIT  
 IN SUPPORT OF REPLY COMMENTS  
 IN THE NOTICE OF PROPOSED RULE MAKING AND  
 ORDER TO SHOW CAUSE IN  
 MB DOCKET NO. 05-67  
 AMENDMENT OF SECTION 73.202(b), TABLE OF FM ALLOTMENTS  
 FISHERS, LAWRENCE, INDIANAPOLIS AND CLINTON, INDIANA

AM/FM RADIO STATIONS CONSIDERED FOR 1 MV/M GAIN AREA SERVICE ANALYSIS

I. FM Stations - 1 mV/m Contours

Call Sign	Channel	City	State	ERP	HAAT
WISU	209B	Terre Haute	IN	13.5	156
WMGI	264B	Terre Haute	IN	50	152
WTHI	260B	Terre Haute	IN	50	149
WBOW	260B	Terre Haute	IN	28	201
WACF	253B	Paris	IL	50	152
WXTT	256B	Danville	IL	50	152
WDNL	271B	Danville	IL	50	112

II. Class A AM Stations - Nighttime 0.5 mV/m Groundwave Contour

Call Sign	Frequency (kHz)	City	State	Power	Antenna
WGN	720	Chicago	IL	50	ND
WSCR	670	Chicago	IL	50	ND
WHAS	840	Louisville	KY	50	ND
WLS	890	Chicago	IL	50	ND
WLW	700	Cincinnati	OH	50	ND

**CERTIFICATE OF SERVICE**

I, Giselle Abreu, an executive legal secretary in the law firm of Vinson & Elkins, L.L.P., do hereby certify that I have on this 10th day of May, 2005, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Reply Comments**" to the following:

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